

Message

From: Pabst, Douglas [Pabst.Douglas@epa.gov]
Sent: 12/19/2018 9:21:36 PM
To: Covington, Tayler [covington.tayler@epa.gov]
CC: Brandt, Peter [Brandt.Peter@epa.gov]; DAgostino, Daniel [DAgostino.Daniel@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]
Subject: RE: MEDIA INQUIRY: DW Reg Questions

Final draft response with NJ edits. Please let me know if OK.

PROPOSED RESPONSE: For your first question regarding the Lead and Copper Rule tiers, I've attached a couple of documents that you might find helpful in understanding the federal tier requirements. The LCR Fact Sheet details the answer under Major Monitoring Provisions (although a water system may have multiple sources the number of sites sampled in the distribution system is based on total population served). The table details the specific numbers and frequency. Newark is a large drinking water system serving a population of over 270,000 people – water is sourced from the Pequannock Reservoir, as well as purchased from the New Jersey Drinking Water Service District (NJDWSD) Wanaque North. Newark samples and reports the lead and copper data for both sides of its distribution system. The latest data available in NJ Drinking Water Watch shows a lead value of 47.5 ppb (181 samples collected) for Newark's distribution system. New Jersey has primacy over the drinking water program and may have additional provisions on their sampling requirements, so I recommend checking with them for further clarification.

For your second question, the state can invalidate an LCR sample if there is evidence of tampering. If someone falsifies data or commits some other type of illegal activity, they could be subject to criminal prosecution by the state.

Douglas Pabst
Chief, Drinking Water and Municipal Infrastructure Branch
USEPA Region 2
Clean Water Division
290 Broadway
New York, New York 10007-1866
Telephone: 212-637-3797
Email: pabst.douglas@epa.gov
For information on drinking water visit: <https://www.epa.gov/ground-water-and-drinking-water>
For information on the Clean Water State Revolving Fund visit: <https://www.epa.gov/cwsrf>
For information on the Drinking Water State Revolving Fund visit: <https://www.epa.gov/drinkingwatersrf>

From: Covington, Tayler
Sent: Wednesday, December 19, 2018 2:01 PM
To: Pabst, Douglas <Pabst.Douglas@epa.gov>
Subject: RE: MEDIA INQUIRY: DW Reg Questions

So, if what I'm reading is correct, the number of homes in a city doesn't matter, the number of homes sampled is based on the water system size- right? And does the system size equate to homes served? (ie., in the fact sheet where it says the system size is >100K, does that mean homes?)

From: Pabst, Douglas
Sent: Wednesday, December 19, 2018 1:57 PM

To: Covington, Tayler <covington.tayler@epa.gov>
Cc: Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; DAgostino, Daniel <DAgostino.Daniel@epa.gov>
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The LCR fact sheet lays out the number of samples as well. Please let me know if you need anything else.

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From: Covington, Tayler
Sent: Wednesday, December 19, 2018 1:54 PM
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Cc: Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; DAgostino, Daniel <DAgostino.Daniel@epa.gov>
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Oh – I didn't know that was different. Yes, probably under the LCR. What you attached is very helpful! Thanks!

From: Pabst, Douglas
Sent: Wednesday, December 19, 2018 1:50 PM
To: Covington, Tayler <covington.tayler@epa.gov>
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Subject: RE: MEDIA INQUIRY: DW Reg Questions

Hi Tayler,

Is the reporter referring to the 3 tiers for sampling under the lead and copper rule? I've attached some information on the sample tiering and the LCR. NJ can invalidate an LCR sample if there is evidence of tampering. If someone falsifies data, or commits some other type of illegal activity, they could be subject to criminal prosecution by the state (as in Flint). I'm unclear on the two different water supplies question. Many public water systems have multiple sources of water and they are typically blended at the treatment plant before the enter distribution system. The LCR lead and copper samples are collected at the tap. Happy to talk as needed.

Tx-Doug

Douglas Pabst
Chief, Drinking Water and Municipal Infrastructure Branch
USEPA Region 2

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From: Covington, Tayler
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Cc: Brandt, Peter <Brandt.Peter@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>
Subject: MEDIA INQUIRY: DW Reg Questions

Hi Doug,

These seem like we could maybe answer these...? The reporter said she reached out to DEP but hasn't heard back yet. Let me know what you think. I put the NJ notification tiers in the answer just to kick it off.

Thanks!
Tayler

STATUS: OPEN

INQUIRY RECEIVED ON: December 19

DEADLINE: December 20, 10 A.M.

PAD CONTACT: Tayler Covington

REPORTER: Rebecca Panico, TAP Into Newark; rpanico@tapinto.net, (908) 759-8828

QUESTIONS FROM THE REPORTER: I'm trying to understand the requirements for Tier 1, Tier 2 and Tier 3 homes. How many homes need to be tested in a city that uses two different water supplies?

Also, if someone allegedly tampers with a water sample, is it considered a crime and who would look into that? The federal, state or local government? Local police?

PROPOSED RESPONSE: EPA describes the 3 Tiers of Public Notification under the Public Notification Rule. The New Jersey Department of Environmental Protection describes the public notice tiers in their Safe Drinking Water Act Rules in the first paragraph of the fourth page: *"Accordingly, at N.J.A.C. 7:10- 3.6(d), violations of the Tier 1 public notice requirements are categorized as violations of major seriousness; violations of the Tier 2 public notice requirements are categorized as violations of moderate seriousness; and violations of the Tier 3 public notice requirements are categorized as violations of minor seriousness."*

